

EOLAS TECHNOLOGIES
INCORPORATED,

VS.

Defendants.

Jury Trial Demanded

I, Darin Adler, do state and declare as follows:

1. I am employed as Director, Safari and WebKit Engineering at Apple Inc. (“Apple”) in Cupertino, California. I have been employed by Apple since 2002. I provide this declaration on behalf of Apple in support of the joint motion to transfer this case from the Eastern District of Texas to the Northern District of California. Unless otherwise indicated below, the statements in this declaration are based upon my personal knowledge or are derived from corporate records maintained by Apple.
2. Apple is a California corporation headquartered in Cupertino, California, in the Northern District of California.

3. Apple designs, manufactures, and markets personal computers, portable digital music players, mobile communication devices and a variety of related software, services, peripherals, and networking solutions.

4. I understand that Plaintiff Eolas Technologies Inc. ("Eolas") has sued Apple for patent infringement in the Eastern District of Texas, alleging that the following Apple products infringe the patents-in-suit: (i) webpages and content accessible via www.apple.com and maintained on servers located in and/or accessible from the United States under the control of Apple; (ii) software, including without limitation, browser software and software that allows content to be interactively presented in and/or served to browsers, including without limitation, QuickTime, Safari for Windows, and Safari for Mac; (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing; and/or (iv) Apple desktop and laptop computers (the "accused products").

5. Apple does not have any operations, facilities or employees in the Eastern District of Texas that are involved in the design, development or manufacture of the accused products.

6. The research, design, and development of QuickTime, Safari for Windows, Safari for Mac, and Apple's laptop and desktop computers took place in Cupertino. Apple maintains business documents and records relating to the research, design, and development for these products in Cupertino, and decisions regarding marketing, sales, and pricing of these products occurred in Cupertino. Apple does not maintain any documents in the Eastern District of Texas that it expects to become evidence in this case.

7. Apple's web servers for www.apple.com are located in Northern California. The accused content on www.apple.com originates from these servers. While content on www.apple.com (like virtually any other website) may be accessible from Texas to the extent

that it is generally available on the internet nationwide, Apple does not own or control any such web servers located in the Eastern District of Texas. To the extent that Apple is required to gather or produce information, content or computer code concerning webpages or content from www.apple.com, such information would be found in Northern California and not in the Eastern District of Texas.

8. Apple has approximately 8,200 employees who work in its headquarters in Cupertino, many of whom are involved on projects relating to Apple's accused products. Based on information that Apple has gathered to date, I understand that at least the following employees have relevant knowledge about the development, operation, and marketing of the accused products:

Employee Name	Location	Department/Description
Don Melton	Cupertino, CA	Internet Technologies
Darin Adler	Cupertino, CA	Safari and WebKit Engineering
Grady Seale	Cupertino, CA	www.apple.com infrastructure
Maciej Stachowiak	Cupertino, CA	Manager, WebKit Web Applications Team
Chris Blumenberg	Cupertino, CA	Safari and WebKit Engineering - Plug-ins
Eric Carlson	Cupertino, CA	Safari and WebKit Engineering

9. I am aware that Apple has employees outside Cupertino, California, including in Texas. However, Apple does not have any employees in the Eastern District of Texas who have any responsibility related to the research, design, or development of the above listed products,

and Apple is not aware of any employee with any significant information relevant to this case that resides in the Eastern District of Texas.

10. It would be much more burdensome for Apple employees to attend trial or other proceedings in Tyler, Texas compared to attending a trial or other proceedings in San Francisco or San Jose, California, which are located in close proximity to Apple's headquarters in Cupertino, California. Travel to Tyler, Texas would require Apple witnesses to have to be away from their jobs even on days they are not testifying or preparing to testify at trial, and would require significantly more travel time and expense.

11. Based on the list of accused products and the information that Apple has gathered to date, the following former Apple employees may have relevant knowledge regarding the design and/or development of potentially relevant products. Based on currently available information, each of these former employees resides in California:

(a) Peter Hoddie

Mr. Hoddie was the former lead developer of QuickTime following Bruce Leak's departure. Attached hereto as **Exhibit A** is a highlighted, true and correct copy of Mr. Hoddie's public profile from the website of his current company, Kinoma, available at www.kinoma.com, as it appeared on or about February 9, 2010, reflecting that Kinoma is located in Palo Alto, California, in the Northern District of California.

(b) Brian Friedkin

Mr. Friedkin was formerly a Principal Engineer at Apple, and ported QuickTime to Windows and researched and developed prototype QuickTime software targeted at small devices. Attached hereto as **Exhibit B** is a highlighted, true and correct copy of Mr. Friedkin's public profile from the website of his current company, Kinoma, available at www.kinoma.com,

as it appeared on or about February 9, 2010, reflecting that Kinoma is located in Palo Alto, California, in the Northern District of California.

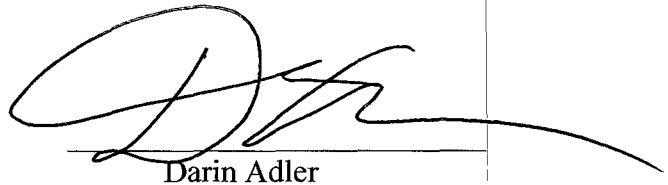
12. As of January 19, 2010, Apple has 221 retail stores in the United States.

13. Apple has two retail stores in the Eastern District of Texas, in the cities of Plano and Frisco. I am not aware of any employee in either of those retail stores that could be characterized as a relevant witness regarding the products at issue in this litigation. Aside from those two retail stores in Plano, Apple does not otherwise maintain any relevant or potentially relevant facilities, employees, or documents in the Eastern District of Texas. To the extent any Apple product is sold or available in Plano or Frisco, it is sold nationwide.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on February 9, 2010 in Cupertino, California.

Dated: _____

2/9/10



Darin Adler